

**TOWN OF ELSMERE
PLANNING COMMISSION
MEETING MINUTES
JUNE 3, 2009
6:30 P.M.**

PLEDGE OF ALLEGIANCE:

CALL TO ORDER:

ROLL CALL:

Commissioner Lindell – Present
Commissioner Sheldon – Present
Commissioner Smith – Present
Commissioner Swain – Present
Commissioner Acton – Absent
Chairman Backer – Present

PUBLIC COMMENT:

None

APPROVAL OF MINUTES:

Approval of the minutes from the May 5, 2009 Planning Commission Meeting

ACTION: A motion was made by Commissioner Lindell to approve the minutes of the May 5, 2009 Planning Commission Meeting. The motion was seconded by Commissioner Smith.

VOTE:

All in favor VOTE: 5-0, with 1 Absent Motion Carried

NEW BUSINESS:

The Planning Commission Reviewed Petition 09-06 Tax Parcel Number 1900200238 known as 215 New Road.

Tracey Atkins presented the application for the Adrenaline Skating Center. She explained that skating centers across the nation are painted in similar colors. These colors are festive and attract attention to the building and attract customers. She stated that it looks fresh, new, fun and exciting. She also presented the proposed mural for the current blank wall of the building.

Commissioner Swain asked Ms. Atkins if she intends to paint the rear of the building bright yellow as well.

Ms. Atkins stated she does not intend to paint any of the remaining building yellow, she only intends to paint the mural on the New Road side of the building.

Chairman Backer asked the Code Enforcement Officer if this petition is scheduled to go before the Board of Adjustments.

Code Enforcement Officer Keith Brown stated that yes it is to go before the Board for the Color Pallet.

Chairman Backer asked if this petition includes the variance to the amount of signage that will be on the building once the mural is complete.

Officer Brown stated that they would need a separate variance to allow the signage, it is not included in this application.

The Board explained to Ms. Atkins the signage requirement and why the mural is considered a sign.

Commissioner Swain asked the Code Enforcement Office if this was brought to their attention from a complaint or via a routine check.

Officer Brown stated that it was brought to his attention in both ways.

At this point there were multiple conversations occurring at once, and the tape was unable to be transcribed.

Commissioner Swain stated they the meeting will only discuss the color of the building not the signage that is proposed to be on the side of the building.

Chairman Backer asked if there was any contact from the public for or against this petition.

Officer Brown stated that he did not have any.

Chairman Backer asked if there was any public comment.

William Dunn of 117 N. Dupont Road stated that he feels that the color is certainly an improvement of the previous state of the building however he isn't sure if it should be as bright as it is.

Jamira (daughter of Tracey Atkins) stated that she as a child loves the color of the building because it is so bright and colorful, it brings a happy moral it helps the people come together and the bright colors help the area feel safer.

The Security Chief for the Adrenaline Skating center stated that he feels the bright color helps the mood of the patrons for that building, a happy color helps keep the emotions happy which cuts down on the number of problems at the building.

Mary of the Adrenaline Skating Center stated that she likes the color because it brings a happy mood and it's a beautiful color. She states that she has only received positive comments from the public regarding the colors inside and outside of the building.

Commissioner Swain stated that the ordinance only applies to the Community Commercial Zone.

Officer Brown stated that the ordinance was later adopted town wide.

Mrs. Tina Law stated that this was adopted as Ordinance 493 and provided a copy for the Commission.

At this time the Commission took a 10 minute recess to obtain a copy of this ordinance.

Chairman Backer asked if the Code Enforcement Office had anything to add.

Officer Brown stated that he did not however the Town has a concern.

Chairman Backer asked Mrs. Tina Law what the Town's opinion is in the matter.

Mrs. Law answered the Town took great time and effort into adopting this ordinance and during this process they discussed that they did not want to deter any franchises from entering the Town so they added that a variance could be obtained for those businesses. She stated that in this case the skating center is not a franchise with an adopted color pallet and the Town feels that the color pallet should be adhered to and that the Commission should recommend denial to the Board of Adjustments.

ACTION: A motion was made by Commissioner Lindell to recommend that the Board of Adjustments Deny this petition requesting a variance from the Town of Elsmere adopted color pallet. The motion was seconded by Commissioner Swain.

VOTE: VOTE: 3-2 with 1 Absent Motion Carried

OLD BUSINESS:

The Commission discussed the review of the Comprehensive Plan.

The Commission was asked to discuss the approval of the area of possible annexation map for the Comprehensive Plan.

Mrs. Tina Law explained to the commission that the map that they were approving shows the future area of possible interest for annexation.

Chairman Backer stated that the map was completely different from what the commission had previously discussed.

Mrs. Law stated that the area addressed in contiguous to current areas of the town.

ACTION: A motion was made by Commissioner Swain to accept the plan for the area of possible future annexation as written on the plan dated November 20, 2009 boundary and annexation survey for the Town of Elsmere. The motion was seconded by Commissioner Lindell.

VOTE: All in favor VOTE: 5-0 with 1 Absent Motion Carried

ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS:

None

PUBLIC COMMENT:

None

ADJOURNMENT:

ACTION: A motion was made by Commissioner Swain to adjourn. The motion was seconded by Commissioner Lindell.

VOTE:

All in favor VOTE: 5-0 with 1 Absent Motion Carried

At this time the meeting was adjourned.

These minutes summarize the agenda items and other issues discussed at the June 3, 2009 Planning Commission Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tape(s) may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

LEON BACKER, CHAIRMAN

CHARLES LINDELL, SECRETARY

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